IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.469 of 2006
MD.MAHMOOD ALAM @ SHAKIL @ MAHMOOD
Versus
STATE OF BIHAR & ORS
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5. 22.8.2008. This Cr. Revision has been filed for setting aside the order dated 12.4.2006 passed by Sri Alok Ray, Judicial Magistrate, Ist Class, Nalanda at Biharsharif in Case No. 32(M)99 thereby the petitioner has been directed to pay maintenance of Rs.500/- each to opposite party nos. 2 and 3.

Heard learned counsel for both the parties.

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The admitted position is that opposite party no. 2 is the wife and the opposite party no. 3 is the minor son of the petitioner. Both are living separately from the petitioner. Earlier too there was a case under Section 498 A for torture etc. The petitioner is a tailor at Kolkata and his monthly income has been assessed as Rs.5000/-.

The submission of the learned counsel for the petitioner is that the petitioner is still ready to keep opposite party with all dignity and care.

However, the petitioner himself has alleged that he has given divorce to opposite party no.2.

Under the facts and circumstances, it is clear that opposite party has valid reason not to live along with the petitioner. The court below has rightly granted maintenance under section 125 Cr.P.C. to opposite party nos. 2 and 3. So far the quantum of maintenance is concerned, in the impugned order the monthly income of the petitioner has been assessed as Rs.5000/-, whereas the maintenance has been granted Rs.500/- each to opposite party nos. 2 and 3.

Having regard to the facts and circumstances, there is no scope for interference in the quantum of maintenance. Accordingly, this Cr. Revision is rejected.

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Kanchan **(Ghanshyam Prasad, J.)**